

ILLINOIS COMMERCE COMMISSION

Rock Island Clean Line LLC)	
)	
Petition for an Order granting Rock Island)	
Clean Line LLC a Certificate of Public)	
Convenience and Necessity pursuant to)	
Section 8-406 of the Public Utilities Act as a)	Docket No. 12-0560
Transmission Public Utility and to Construct,)	
Operate and Maintain an Electric Transmission)	
Line and Authorizing and Directing Rock Island)	
Clean Line Pursuant to Section 8-503 of the)	
Public Utilities Act to Construct an Electric)	
Transmission Line.)	

DIRECT TESTIMONY OF PAUL E. MARSHALL

1 **Introduction**

2 **Q: What is your name and address.**

3 A: My name is Paul E. Marshall and I live at 2310 East US Hwy 52, Serena,
4 Illinois 60549.

5 **Q: How long have you lived at that address.**

6 A: I have lived there since 1982. Actually, I lived there from 1949-1956 and
7 moved back to this address in 1982.

8 **Illinois Landowners Alliance NFP**

9 **Q: What is the extent of your involvement with the Illinois Landowners**
10 **Alliance, NFP?**

11 A: I was invited to serve on the Board and was elected as the organization's
12 Secretary. I also serve as a point person and local representative for the Serena
13 Township area.

14 **Q: What is the Illinois Landowners Alliance?**

15 A: The Illinois Landowners Alliance, NFP ("ILA") is a not-for-profit group
16 created to be an organized way to try to keep Rock Island Clean Line's power
17 line from being built on some of the best farm land in America. Membership at
18 the time this was written totaled about 300 and includes landowners directly
19 impacted by the project, people who have homes or property near the proposed
20 line, and a number of people in the area who are simply opposed to the project.
21 ILA members own or lease over 100,000 acres.

22 **Q: Why have the landowners joined the ILA?**

23 A: Members have joined for a variety of reasons. Most recognize that this
24 project is not needed to supply Illinois with reliable electric power and most, if not
25 all of the power is going to the East Coast while ruining land here in Illinois.
26 Some object to the damage expected from construction and subsequent
27 maintenance activities on some of the most productive farms in the country.
28 These concerns center on soil compaction. Some object to farm land being
29 taken out of production. Some object to the ways that the line will interfere with
30 modern farming techniques including the aerial application of materials essential
31 for controlling weeds, insects, and diseases in the crops, the potential impacts to
32 use of GPS-related devices and practices, and the operation of large tillage
33 equipment in the vicinity of towers and other activities of Rock Island Clean Line
34 within the easement areas.

35 **Q: Are there non-agricultural concerns?**

36 A: Yes. Some members are concerned about the unknown effects of
37 electromagnetic forces from the HVDC lines on crop and on human physiology.
38 Other members have joined out of concerns about potential damage to forests,
39 wetlands, historical sites, and other conservation areas. Many members are
40 concerned about the visual pollution the project would leave on our scenic rural
41 landscapes. Many members, including me, are concerned about the limitations
42 that the easement will put on future generations and their ability to use the land
43 as they would like. The easement will restrict their ability or desire to build
44 homes, build roads, or to engage in non-farming activities such as mining.

45 Obviously there are many reasons why people are opposed to the project and
46 have joined ILA to contribute in various ways to try to get it stopped.

47 **Q: Many of the members of the ILA are farmers. For what other reasons**
48 **are they opposed to the project?**

49 A: Many of us who are opposed to this project have strong ties to and strong
50 feelings about farming. Many farmers firmly believe that their mission is to help
51 feed a hungry world and that mission gets more difficult with the intrusion of a
52 project such as Rock Island Clean Line's project on their farming operations.
53 Some ILA members have a long history on the same acreage. I'm the 4th
54 generation owner of the land that this project wishes to cross. It's very
55 distressing to think that I will not be allowed to pass this farm to my children in
56 the condition as when I inherited it.

57 The objections we have are neither about the money to be paid for the
58 potential easement, nor about the details of the Agricultural Impact Mitigation
59 Agreement. The objections center on the imposition of this project on some of
60 the best farm ground on the planet. Others before us must have recognized this
61 and created a mandate for the Illinois Commerce Commission to preserve farm
62 land where and when possible. We hope they follow that mandate in deciding
63 this case.

64 **Q: You have provided some detail about the numbers of members and**
65 **the amount of acreage in which the ILA members have property interests.**
66 **How are you aware of such numbers?**

67 A: An ILA representative keeps records of each member and this
68 membership information is reviewed by the Board of Directors at most meetings.
69 As I noted above, I am the Secretary of the organization and attend such
70 meetings and take part in the review.

71 **Q: Do you have any exhibits to provide to the Commission?**

72 A: A list of many current ILA members is included with my testimony as ILA
73 Exhibit 1.01. As the exhibit shows, the ILA members have ownership interests in
74 over 67,000 acres and rental interests in over 39,000 acres of Illinois land. Most
75 of the land owned and rented is farm land.

76 **Testimony Concerning Proposed Project**

77 **Q: You mentioned that you are the Secretary of the Illinois Landowners**
78 **Alliance, NFP. What else do you do for a living?**

79 A: Since 2009, I have been employed by First National Bank of Ottawa as its
80 Farm Manager.

81 **Q: What do you do in that position consist?**

82 A: I currently manage fifty-four farm parcels totaling about 6,000 acres for the
83 bank. During my tenure as the bank's farm manager, I've been involved in many
84 farm appraisals, several farm land sales, and several estate settlements involving
85 farm land.

86 **Q: What else do you do?**

87 A: I assumed the management of both of my families' farms when my father
88 died in 1975. Both were operated as 50/50 crop shares until just recently. I also

89 have been active in the real estate market, buying and rehabilitating homes for
90 resale.

91 **Q: Tell us about your educational background.**

92 A: I have a Bachelors degree from the University of Illinois College of
93 Agriculture and a Ph. D. in forestry and botany (plant physiology) from the
94 University of Wisconsin.

95 **Q: What other relevant employment have you held?**

96 A: I taught and did research at the University of Michigan from 1975-1982.
97 Additionally, I was a financial consultant in Naperville, Illinois from 1982-2007, at
98 which time I was simultaneously living on and managing the farms.

99 **Q: In light of your professional, agricultural, and educational**
100 **background, is it fair to say that you are well versed in farming operations,**
101 **farm values, and plant growth?**

102 A: Yes.

103 **Q: Tell us about the farms you mentioned before.**

104 A: The family farms consist of a 200 acre farm that has been in my family
105 since 1879. I am the 4th generation of the same family to occupy the same farm
106 house. It obviously has a lot of family history. At present, I own the home and
107 outbuildings and about 98 tillable acres. My sister, Karen Borchsenius, owns
108 about 98 tillable acres.

109 **Q: Is this a so-called centennial farm?**

110 A: Yes.

111 **Q: Do you intend to keep the farm in the family?**

112 A: Yes. I am 64, and my wife is 67. Both of my children have expressed
113 their interest in living on the family farm in the future.

114 **Q: How does the land perform?**

115 A: The 196 acres of tillable land are of some of the best farm ground in
116 northern Illinois. In the last 5 years we have averaged over 200 bushels of corn
117 per acre. Since I inherited part of this farm, I've had the philosophy that I'm just
118 the steward for it during my lifetime and it will be passed to my children, and
119 hopefully on to theirs. I see it as my responsibility to maintain the productivity
120 and improve upon it whenever possible. In doing so, I can preserve the family
121 farm for future generations.

122 **Q: Do you own any other farmland?**

123 A: Yes. My sister and I own 205 acres in Dayton township that has about
124 160 tillable acres.

125 **Q: Why are you submitting this testimony?**

126 A: In order to present evidence in opposition to the Rock Island Clean Line
127 project.

128 **Q: Do you oppose the entire project?**

129 A: Yes.

130 **Q: Why do you oppose the project?**

131 A: Rock Island's proposed route places the power line on my property for at
132 least one mile. Further, the line would only be 1,000 feet away from my home.
133 Additionally, the route will impact the farming operations.

134 **Q: How will it impact the farm?**

135 A: Power line construction will impact the future productivity and potential
136 future value of the farmland. In particular I'm concerned about the soil
137 compaction caused by concrete truck traffic and the impact that will have on
138 water drainage from surrounding acreage. We've had bad experience on this
139 farm in Serena, and I've had bad experiences from this on other farms that I
140 manage.

141 **Q: What kind of experiences?**

142 A: In 2008, Enbridge Energy obtained a 1,300 foot long easement by
143 eminent domain condemnation proceedings that allowed for the placement of two
144 pipelines along the eastern edge of the Serena farm. One was forty-two inches
145 in diameter and was to carry oil/sand/slurry from Canada and the other was
146 twenty inches in diameter and was to carry a diluting agent back to Canada.

147 **Q: Was the equipment used particularly large?**

148 A: No. No exceptionally heavy vehicles were used in the Enbridge pipeline
149 construction.

150 **Q: How did this affect the farm?**

151 A: Prior to the pipeline construction, we had no drainage issues on that part
152 of the farm. Afterwards, we had a persistent lake of about .75 to 1.25 acres
153 following rain storms that was very slow to drain.

154 **Q: Did Enbridge undertake any remedial measures to attempt to prevent
155 such issues?**

156 A: Yes. Enbridge used deep rippers to break up compaction, sent
157 Caterpillar® tractors to add slope to the area, constructed a berm, planted grass,

158 and finally installed additional drain tile to try to fix the recurring problem.
159 Enbridge did pay for crop damage for several years, but to this day, the drainage
160 in that area is not as good as it was before the pipeline construction.
161 Additionally, every two years I try to further rip and till the soil, and the drainage
162 problem persists.

163 **Q: As a long time farm owner, with the educational background you**
164 **have, what is your opinion as to why this occurs?**

165 A: My experience with soils suggests that the truck and equipment traffic on
166 the roadway next to the pipeline trench compacted the particular soils on this
167 farm so badly that water could not percolate and drain and oxygen could not
168 reach roots.

169 **Q: Do you have any other professional experience with construction**
170 **across agricultural land?**

171 A: Yes. As I stated before, I am the Farm Manager for the First National
172 Bank of Ottawa. The Bank is trustee for an 80 acre parcel in southeastern
173 LaSalle County that had a windmill constructed on it for in 2008. Since that time,
174 we have had many problems resulting from damage caused by the construction.
175 We had extensive soil compaction, collapsed drain tile, and an obstructed
176 waterway. The construction and use of a temporary road through a drainage
177 waterway resulted in ponding. In the past four plus years, the bank has
178 requested the company pay crop damage and to effect the necessary repairs.
179 The company paid to have tile repaired, but the compaction and blocked

180 waterway persist. In my position as Farm Manager, I have had to appeal to the
181 local Soil and Water Conservation District personnel.

182 **Q: Did this affect the land's value?**

183 A: Yes. The bank has been forced to charge below-market cash rent for the
184 parcel as the problems reflect in reduced crop yields.

185 **Q: You understand the difference in construction of wind turbines**
186 **versus HVDC towers though, correct?**

187 A: Yes, I do. While there may be a marked difference, I have seen that
188 construction activities of any large scale can result in economic losses – in this
189 case, lost income to a trust – that can be quite long-lived.

190 **Q: Have you had any other professional experiences with easements,**
191 **and not just construction?**

192 A: Yes. Again, as Farm Manager, I have seen approximately 126 acres of
193 foreclosed farmland sell for approximately \$700.00 per acre below my
194 expectations. I believe that this lowered amount was primarily because of an
195 easement across the farm for a city sewer line and lift station. There was no
196 particular hazard, but it represented an obstacle that needed to be farmed
197 around along with periodic access for maintenance and repairs.

198 **Q: What does this have to do with the Rock Island Clean Line project?**

199 A: For the Rock Island power line, it can reasonably be expected that a
200 number of concrete trucks each weighing in excess of 65,000 pounds will
201 traverse nearly a mile of land. In doing so, they will compact the soil, and cause
202 similar exceptional drainage issues – which extend far beyond the right-of-way it

203 seeks. Past experience shows that this soil is not amenable to remedial efforts
204 to return it to its former state.

205 **Q: How many trucks will be traversing your land?**

206 A: According to RICL's specifications for the monopole towers, each would
207 require a concrete base about thirty-four feet deep and seven feet in diameter.
208 This equates to just under 48.5 cubic yards of concrete. My experience is that a
209 typical fully loaded concrete truck carries about eight cubic yards of concrete,
210 weighing around 65,000 pounds. Therefore, if there were six towers on the farm,
211 there would thirty-six fully loaded concrete trucks traversing part of my farm.

212 **Q: Does field tile help?**

213 A: Yes. Prior to modern settlement, the land around Serena, including my
214 farm, was swampy and covered with tall grass. However, it can be productively
215 farmed today because it is drained by a system of underground tiles of various
216 diameters. My grandfather had clay tile installed in the early 1930's. Today,
217 those tile are still functional but occasional inspection, needed because of rare
218 tile failure, has indicated that they are cracked and quite brittle. For example, I
219 repaired a four foot long section of twelve inch diameter clay tile that had
220 collapsed in the southwestern corner of the farm in May, 2013. Each of the
221 damaged tile was broken into four pieces. Indications suggest that this damage
222 was done from prior traffic across the field – from farm equipment, sprayers,
223 fertilizer applicators, prior pipeline trucks – but nothing nearly as heavy as a fully
224 loaded concrete truck.

225 **Q: Can tile failure occur without heavy concrete trucks?**

226 A: Yes, tile failure happens occasionally. However, I fully expect that the
227 concrete truck traffic and other vehicle traffic across my fields will cause
228 extensive damage and eventual collapse of numerous drain tile. Modern plastic
229 tile is far less susceptible to collapse compared to the brittle older clay tile that is
230 under the surface of my farm. Impaired drainage caused by broken tile will
231 usually eventually show up as a large hole in the ground which, if run into, can
232 cause significant damage to expensive farm equipment. But before that
233 happens, crop production can be impaired by excessive moisture in the soil,
234 especially with soybeans. Ultimately I'm concerned about the future cost of
235 maintaining an effective tile drainage system and about the cost of lost crop
236 production if that drainage system is not working properly.

237 **Q: Would you immediately see the effects of broken drainage tile?**

238 A: If at the time of the collapse, it was particularly wet, the results may show
239 up immediately. However, it is just as likely that the adverse effects of tile
240 collapse will not be seen until long after construction has completed.

241 **Q: Does this relate to the earlier issues regarding compaction?**

242 A: Yes. Deep soil compaction could also alter the deeper movement of water
243 through the soil profile. This would create wet areas where none existed before,
244 which would create the need for additional drain tile.

245 **Q: Can Rock Island adequately compensate you for these changes?**

246 A: According to Rock Island Clean Lines's previous representations, it is
247 offering to pay substantial sums for the easement based on today's value, as well
248 as attempt to remediate problems such as compaction and tile issues. However,

249 the problems from extensive soil compaction and altered drainage could be
250 expected to last a large number of years and could be expected to limit crop
251 productivity on the affected acreages. Additionally, this particular soil has shown
252 that it is unable to be adequately remediated.

253 **Q: Have you been involved, professionally, in any other situations that**
254 **support your concerns?**

255 A: Yes. For example, my concerns about soil compaction are not limited to
256 just the construction phase. I manage a farm in a nearby county, in my capacity
257 as farm manager for my employer. In the spring of 2012, Ameren Illinois notified
258 me that it needed to effect some repairs on an existing power line that crossed
259 the field.

260 Ameren's repairers entered the field with a crawler tractor while the soil
261 was wet. When the crawler got stuck, Ameren made use of heavier equipment to
262 extract the first stuck vehicle. In the end, Ameren left a muddy mess of ruts and
263 deep holes. Despite 2012's exceptional dryness, the area Ameren damaged was
264 wet for most of the year.

265 **Q: Why was the soil still wet?**

266 A: Compaction. Farm soils are much more susceptible to compaction
267 problems when wet, and the damage done by Ameren will negatively impact the
268 crop productivity of that particular area for many years. While Ameren did pay
269 some amount for crop damage in the 2012 year, the damage done to the soil
270 structure was much more severe.

271 **Q: Do you have other examples?**

272 A: Yes. I could give several other examples of situations where pipeline or
273 power line repairs were needed to existing facilities and significant damage was
274 done to crops and to soils.

275 **Q: Do you harbor concerns other than drainage and soil compaction?**

276 A: Yes. I am concerned that the presence of the Rock Island Clean Line
277 power line will limit my ability to combat insects and diseases that could
278 devastate a crop.

279 **Q: Have you had this issue, or seen this issue in the past?**

280 A: Yes. In 2012, the farm suffered from a particularly large infestation of
281 Japanese beetles in the soybeans when the plants were in a particularly
282 susceptible stage of growth. To combat the beetles, we applied insecticides.
283 Because the plants were small, we could choose whether to apply the
284 insecticides using ground sprayers or from the air using airplanes.

285 However, later in the season, the Japanese beetles moved into the corn
286 and were aggressively devouring the male pollen tubes (silks) of the developing
287 corn ears which, if left unchecked, would greatly limit seed development. Since
288 the corn was very tall at this point, there was no choice other than to use aircraft
289 for the insecticide application. Without the beetle control, our crop would have
290 been devastated.

291 **Q: Does the proposed project affect your ability to protect your crops?**

292 A: Yes. The presence of Rock Island's proposed power line will greatly limit
293 the ability to use aerial application of such chemicals. We alternate corn and
294 soybean production annually on our fields. The line would affect our ability to do

295 so, because we would not be able to pick and choose which specific crops to
296 plant in the near proximity to the power line. It would not fit our cropping plan
297 either economically or biologically to put just soybeans under the powerline
298 perennially.

299 **Q: Are there other reasons you oppose the line?**

300 A: Yes, I'm concerned about the loss of future opportunities to my children or
301 grandchildren. As I stated before, I have no plans to sell any of this centennial
302 farm ground during my lifetime and fully intend to leave it to later generations.
303 One of my children or grandchildren might wish to build a home on some part of
304 the farm at some point in the future or may wish to occupy my home after I no
305 longer live there. They have already indicated a negative response to living
306 close to a large power line. The presence of the power line may greatly limit their
307 choices as to where they might build any kind of structure, place roads or
308 runways, or choose some other form of land use such as mining.

309 **Q: Is there mining in the area?**

310 A: Yes. There is a functioning gravel mining operation less than 0.8 miles to
311 the south of my farm and another functioning gravel mining operation about one
312 mile to the east of my farm. Although I have not done any test borings, I'm quite
313 sure there are economically significant gravel deposits under my property as
314 well. At some point in the future, such mining could become the best use of this
315 land but that could greatly be limited by the presence of the power line and its
316 easement. There are active silica sand mines just east of my farm land in

317 Dayton Township. For example, in 2012, a neighbor sold farm land to Fairmount
318 Minerals for a price in excess of \$25,000 per acre.

319 **Q: Have you been approached for similar reasons?**

320 A: Yes. I was approached by a competitor of Fairmount's in 2012 about
321 selling some of my farm land for silica sand mining. During the discussion, I
322 disclosed that the Dayton farm has three pipeline easements and two powerline
323 easements encumbering the property. No agreement was reached, significantly
324 due to the easements. The Rock Island Clean Line easement would do the
325 same to the future value of my Serena farm.

326 **Q: Is this your personal or professional opinion?**

327 A: Both. As mentioned above, I became active in the residential real estate
328 market in 2007 and still am active. Over the past six years, I've looked at
329 hundreds of homes in various communities for investment opportunities and even
330 without the well-known fact that homes near powerlines are valued significantly
331 lower, I have seen first-hand what the close proximity of power lines can do to
332 the value of a home. For example, I investigated several homes on Hoffman
333 Street in Plano, Illinois. A large powerline with the lattice type towers ran
334 adjacent to the back yards of some of these homes and I know first hand that
335 their presence was an extremely strong influence on my decision not to buy one
336 of those homes. I specifically told the realtor not to show me any other homes
337 close to power lines. I strongly believe that the presence of Rock Island Clan
338 Line's power line close to my home will greatly impact its desirability by my kids,

339 grandkids, or any future buyer. I fear that the Rock Island Clean Line power line
340 will greatly limit the future value and utility of the Serena farm for my children.

341 **Q: Are you concerned about the natural beauty of the land?**

342 A: Yes, I'm concerned about what the Rock Island Clean Line power line will
343 do to the scenic vista from the deck in my back yard and to my overall quality of
344 life and to my desire to stay in my ancestral family home. My house sits about a
345 half mile north and a mile west of the Fox River valley. I can look to the south,
346 across a field of incredible productivity, and see the timber on both sides of the
347 Fox River valley. I can look to the southeast and see fields, timber, the Fox River
348 Resort, and other farmsteads for a distance of several miles. It is truly beautiful.
349 The Rock Island power line will destroy these views.

350 I left Ann Arbor Michigan in 1982 and chose to accept the inconveniences
351 of living in a rural area because the pastoral rural setting was very, very
352 important to me. I also feel a strong connection to the farm that we are helping to
353 feed a hungry world and are growing great quantities of very high quality
354 products. We are producing something good and tangible. I grew up in the
355 same house, and although I know things can change, I wanted to maintain the
356 same farm setting that I had as a child for me and for my family. Fortunately my
357 children grew up and left home before the land could be despoiled by this power
358 line. I, however, still live there and truly love what I see from my back yard. The
359 thought of having lost the control to maintain that view is very painful.

360 **Q: Have you reviewed the Agricultural Impact Mitigation Agreement that**
361 **Rock Island Clean Line and the Illinois Department of Agriculture signed?**

362 A: Yes.

363 **Q: Has this alleviated your concerns?**

364 A: No. In fact, the knowledge that temporary and permanent roads will be
365 used has actually re-affirmed my concerns listed above. In addition, there is no
366 guaranty provided that Rock Island Clean Line will not traverse wet ground.
367 Traversing wet ground in the area of the line, with the equipment needed for this
368 project will result in compaction that no amount of remedial efforts can address.
369 Certainly a mere eighteen inch rip will not address the compaction. This
370 irreparable compaction will reduce crop yields for many years after the initial
371 construction. The Agreement also omits many items that would need to be
372 covered by the construction and ongoing presence of a high voltage power line
373 on farm land.

374 **Conclusion**

375 **Q: Does this conclude your testimony?**

376 A: Yes.